

109TH CONGRESS
1ST SESSION

S. 858

To reauthorize Nuclear Regulatory Commission user fees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 20, 2005

Mr. VOINOVICH (for himself and Mr. INHOFE) introduced the following bill;
which was read twice and referred to the Committee on Environment and
Public Works

A BILL

To reauthorize Nuclear Regulatory Commission user fees,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Nuclear Fees Reauthorization Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NRC USER FEES

Sec. 101. Nuclear Regulatory Commission user fees and annual charges.

TITLE II—NRC REFORM

- Sec. 201. Treatment of nuclear reactor financial obligations.
- Sec. 202. Period of combined license.
- Sec. 203. Elimination of NRC antitrust reviews.
- Sec. 204. Scope of environmental review.
- Sec. 205. Medical isotope production.
- Sec. 206. Cost recovery from government agencies.
- Sec. 207. Conflicts of interest relating to contracts and other arrangements.
- Sec. 208. Hearing procedures.
- Sec. 209. Authorization of appropriations.

TITLE III—NRC HUMAN CAPITAL PROVISIONS

- Sec. 301. Provision of support to university nuclear safety, security, and environmental protection programs.
- Sec. 302. Promotional items.
- Sec. 303. Expenses authorized to be paid by the Nuclear Regulatory Commission.
- Sec. 304. Nuclear Regulatory Commission scholarship and fellowship program.
- Sec. 305. Partnership program with institutions of higher education.
- Sec. 306. Elimination of pension offset for certain rehired Federal retirees.
- Sec. 307. Authorization of appropriations.

1 **TITLE I—NRC USER FEES**

2 **SEC. 101. NUCLEAR REGULATORY COMMISSION USER FEES**

3 **AND ANNUAL CHARGES.**

4 (a) IN GENERAL.—Section 6101 of the Omnibus
5 Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1), by striking “Except
9 as provided in paragraph (3), the” and insert-
10 ing “The”; and

11 (B) by striking paragraph (3); and

12 (2) in subsection (c)(2)—

13 (A) in subparagraph (A)—

14 (i) in clause (i), by striking “and” at
15 the end;

1 (ii) in clause (ii), by striking the pe-
 2 riod at the end and inserting “; and”; and

3 (iii) by adding at the end the fol-
 4 lowing:

5 “(iii) amounts appropriated to the
 6 Nuclear Regulatory Commission for the
 7 fiscal year for implementation of section
 8 3116 of the Ronald W. Reagan National
 9 Defense Authorization Act for Fiscal Year
 10 2005 (118 Stat. 2162; 50 U.S.C. 2601
 11 note)”; and

12 (B) in subparagraph (B)(v), by inserting
 13 “and each fiscal year thereafter” after “2005”.

14 (b) NUCLEAR REGULATORY COMMISSION ANNUAL
 15 CHARGES.—Section 7601 of the Consolidated Omnibus
 16 Budget Reconciliation Act of 1985 (42 U.S.C. 2213) is
 17 repealed.

18 **TITLE II—NRC REFORM**

19 **SEC. 201. TREATMENT OF NUCLEAR REACTOR FINANCIAL** 20 **OBLIGATIONS.**

21 Section 523 of title 11, United States Code, is
 22 amended by adding at the end the following:

23 “(f) TREATMENT OF NUCLEAR REACTOR FINANCIAL
 24 OBLIGATIONS.—Notwithstanding any other provision of
 25 this title—

1 “(1) any funds or other assets held by a li-
2 censee or former licensee of the Nuclear Regulatory
3 Commission, or by any other person, to satisfy the
4 responsibility of the licensee, former licensee, or any
5 other person to comply with a regulation or order of
6 the Nuclear Regulatory Commission governing the
7 decontamination and decommissioning of a nuclear
8 power reactor licensed under section 103 or 104 b.
9 of the Atomic Energy Act of 1954 (42 U.S.C. 2133,
10 2134(b)) shall not be used to satisfy the claim of
11 any creditor in any proceeding under this title, other
12 than a claim resulting from an activity undertaken
13 to satisfy that responsibility, until the decontamina-
14 tion and decommissioning of the nuclear power reac-
15 tor is completed to the satisfaction of the Nuclear
16 Regulatory Commission;

17 “(2) obligations of licensees, former licensees,
18 or any other person to use funds or other assets to
19 satisfy a responsibility described in paragraph (1)
20 may not be rejected, avoided, or discharged in any
21 proceeding under this title or in any liquidation, re-
22 organization, receivership, or other insolvency pro-
23 ceeding under Federal or State law; and

24 “(3) private insurance premiums and standard
25 deferred premiums held and maintained in accord-

1 ance with section 170 b. of the Atomic Energy Act
 2 of 1954 (42 U.S.C. 2210(b)) shall not be used to
 3 satisfy the claim of any creditor in any proceeding
 4 under this title, until the indemnification agreement
 5 executed in accordance with section 170 c. of that
 6 Act (42 U.S.C. 2210(c)) is terminated.”.

7 **SEC. 202. PERIOD OF COMBINED LICENSE.**

8 Section 103 c. of the Atomic Energy Act of 1954 (42
 9 U.S.C. 2133(c)) is amended by striking “forty years” and
 10 inserting “40 years from the authorization to commence
 11 operations”.

12 **SEC. 203. ELIMINATION OF NRC ANTITRUST REVIEWS.**

13 Section 105 c. of the Atomic Energy Act of 1954 (42
 14 U.S.C. 2135(c)) is amended by adding at the end the fol-
 15 lowing:

16 “(9) APPLICABILITY.—This subsection does not
 17 apply to an application for a license to construct or
 18 operate a utilization facility or production facility
 19 under section 103 or 104 b., if the application is
 20 filed on or after, or is pending on, the date of enact-
 21 ment of this paragraph.”.

22 **SEC. 204. SCOPE OF ENVIRONMENTAL REVIEW.**

23 (a) IN GENERAL.—Chapter 10 of title I of the Atomic
 24 Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amend-
 25 ed—

1 (1) by redesignating sections 110 and 111 as
 2 section 111 and 112, respectively; and

3 (2) by inserting after section 109 the following:

4 **“SEC. 110. SCOPE OF ENVIRONMENTAL REVIEW.**

5 “In conducting any environmental review (including
 6 any activity conducted under section 102 of the National
 7 Environmental Policy Act of 1969 (42 U.S.C. 4332)) in
 8 connection with an application for a license or a renewed
 9 license under this chapter, the Commission shall not give
 10 any consideration to the need for, or any alternative to,
 11 the facility to be licensed.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) The table of contents of the Atomic Energy
 14 Act of 1954 (42 U.S.C. prec. 2011) is amended by
 15 striking the item relating to section 110 and insert-
 16 ing the following:

“Sec. 110. Scope of environmental review.

“Sec. 111. Exclusions.

“Sec. 112. Licensing by Nuclear Regulatory Commission of distribution of
 certain materials by Department of Energy.”;

17 (2) Section 57 b. of the Atomic Energy Act of
 18 1954 (42 U.S.C. 2077(b)) is amended in the last
 19 sentence by striking “section 111 b.” and inserting
 20 “section 112 b.”.

21 (3) Section 131 a.(2)(C) of the Atomic Energy
 22 Act of 1954 (42 U.S.C. 2160(a)(2)(C)), by striking
 23 “section 111 b.” and inserting “section 112 b.”.

1 (4) Section 202 of the Energy Reorganization
2 Act of 1974 (42 U.S.C. 5842) is amended—

3 (A) by striking “section 110 a.” and in-
4 serting “section 111 a.”; and

5 (B) by striking “section 110 b.” and in-
6 serting “section 111 b.”.

7 **SEC. 205. MEDICAL ISOTOPE PRODUCTION.**

8 Section 134 of the Atomic Energy Act of 1954 (42
9 U.S.C. 2160d) is amended—

10 (1) by redesignating subsections a. and b. as
11 subsections b. and a., respectively, and by moving
12 subsection b. (as so redesignated) to the end of the
13 section;

14 (2) in subsection b. (as so redesignated), by
15 striking “b. The Commission” and inserting “b. RE-
16 STRICTIONS.—Except as provided in subsection c.,
17 the Commission”; and

18 (3) by adding at the end the following:

19 “c. MEDICAL ISOTOPE PRODUCTION.—

20 “(1) DEFINITIONS.—In this subsection:

21 “(A) MEDICAL ISOTOPE.—The term ‘med-
22 ical isotope’ includes Molybdenum 99, Iodine
23 131, Xenon 133, and other radioactive mate-
24 rials used to produce a radiopharmaceutical for

1 diagnostic, therapeutic procedures or for re-
 2 search and development.

3 “(B) **RADIOPHARMACEUTICAL.**—The term
 4 ‘radiopharmaceutical’ means a radioactive iso-
 5 tope that—

6 “(i) contains byproduct material com-
 7 bined with chemical or biological material;
 8 and

9 “(ii) is designed to accumulate tempo-
 10 rarily in a part of the body for therapeutic
 11 purposes or for enabling the production of
 12 a useful image for use in a diagnosis of a
 13 medical condition.

14 “(C) **RECIPIENT COUNTRY.**—The term ‘re-
 15 cipient country’ means Belgium, Canada,
 16 France, Germany, and the Netherlands.

17 “(2) **LICENSES.**—The Commission may issue a
 18 license authorizing the export (including shipment to
 19 and use at intermediate and ultimate consignees
 20 specified in the license) to a recipient country of
 21 highly enriched uranium for medical isotope produc-
 22 tion if, in addition to any other requirements of this
 23 Act (except subsection b.), the Commission deter-
 24 mines that—

1 “(A) a recipient country that supplies an
2 assurance letter to the United States Govern-
3 ment in connection with the consideration by
4 the Commission of the export license applica-
5 tion has informed the United States Govern-
6 ment that any intermediate consignees and the
7 ultimate consignee specified in the application
8 are required to use the highly enriched uranium
9 solely to produce medical isotopes; and

10 “(B) the highly enriched uranium for med-
11 ical isotope production will be irradiated only in
12 a reactor in a recipient country that—

13 “(i) uses an alternative nuclear reac-
14 tor fuel; or

15 “(ii) is the subject of an agreement
16 with the United States Government to con-
17 vert to an alternative nuclear reactor fuel
18 when alternative nuclear reactor fuel can
19 be used in the reactor.

20 “(3) REVIEW OF PHYSICAL PROTECTION RE-
21 QUIREMENTS.—

22 “(A) IN GENERAL.—The Commission shall
23 review the adequacy of physical protection re-
24 quirements that, as of the date of an applica-
25 tion under paragraph (2), are applicable to the

1 transportation and storage of highly enriched
2 uranium for medical isotope production or con-
3 trol of residual material after irradiation and
4 extraction of medical isotopes.

5 “(B) IMPOSITION OF ADDITIONAL RE-
6 QUIREMENTS.—If the Commission determines
7 that additional physical protection requirements
8 are necessary (including a limit on the quantity
9 of highly enriched uranium that may be con-
10 tained in a single shipment), the Commission
11 shall impose such requirements as license condi-
12 tions or through other appropriate means.

13 “(4) FIRST REPORT TO CONGRESS.—

14 “(A) NATIONAL ACADEMY OF SCIENCES
15 STUDY.—The Secretary shall enter into an ar-
16 rangement with the National Academy of
17 Sciences to conduct a study to determine—

18 “(i) the feasibility of procuring sup-
19 plies of medical isotopes from commercial
20 sources that do not use highly enriched
21 uranium;

22 “(ii) the current and projected de-
23 mand and availability of medical isotopes
24 in regular current domestic use;

1 “(iii) the progress that is being made
2 by the Department of Energy and others
3 to eliminate all use of highly enriched ura-
4 nium in reactor fuel, reactor targets, and
5 medical isotope production facilities; and

6 “(iv) the potential cost differential in
7 medical isotope production in the reactors
8 and target processing facilities if the prod-
9 ucts were derived from production systems
10 that do not involve fuels and targets with
11 highly enriched uranium.

12 “(B) FEASIBILITY.—For the purpose of
13 this subsection, the use of low enriched uranium
14 to produce medical isotopes shall be determined
15 to be feasible if—

16 “(i) low enriched uranium targets
17 have been developed and demonstrated for
18 use in the reactors and target processing
19 facilities that produce significant quantities
20 of medical isotopes to serve United States
21 needs for such isotopes;

22 “(ii) sufficient quantities of medical
23 isotopes are available from low enriched
24 uranium targets and fuel to meet United
25 States domestic needs; and

1 “(iii) the average anticipated total
2 cost increase from production of medical
3 isotopes in such facilities without use of
4 highly enriched uranium is less than 10
5 percent.

6 “(C) REPORT BY THE SECRETARY.—Not
7 later than 5 years after the date of enactment
8 of the Nuclear Fees Reauthorization Act of
9 2005, the Secretary shall submit to Congress a
10 report that—

11 “(i) contains the findings of the Na-
12 tional Academy of Sciences made in the
13 study under subparagraph (A); and

14 “(ii) discloses the existence of any
15 commitments from commercial producers
16 to provide domestic requirements for med-
17 ical isotopes without use of highly enriched
18 uranium consistent with the feasibility cri-
19 teria described in subparagraph (B) not
20 later than the date that is 4 years after
21 the date of submission of the report.

22 “(5) SECOND REPORT TO CONGRESS.—If the
23 study of the National Academy of Sciences deter-
24 mines under paragraph (4)(A)(i) that the procure-
25 ment of supplies of medical isotopes from commer-

1 cial sources that do not use highly enriched uranium
2 is feasible, but the Secretary is unable to report the
3 existence of commitments under paragraph
4 (4)(C)(ii), not later than the date that is 6 years
5 after the date of enactment of the Nuclear Fees Re-
6 authorization Act of 2005, the Secretary shall sub-
7 mit to Congress a report that describes options for
8 developing domestic supplies of medical isotopes in
9 quantities that are adequate to meet domestic de-
10 mand without the use of highly enriched uranium
11 consistent with the cost increase described in para-
12 graph (4)(B)(iii).

13 “(6) CERTIFICATION.—At such time as com-
14 mercial facilities that do not use highly enriched
15 uranium are capable of meeting domestic require-
16 ments for medical isotopes, within the cost increase
17 described in paragraph (4)(B)(iii) and without im-
18 pairing the reliable supply of medical isotopes for
19 domestic utilization, the Secretary shall submit to
20 Congress a certification to that effect.

21 “(7) SUNSET PROVISION.—After the Secretary
22 submits a certification under paragraph (6), the
23 Commission shall, by rule, terminate the review of
24 the Commission of export license applications under
25 this subsection.”.

1 **SEC. 206. COST RECOVERY FROM GOVERNMENT AGENCIES.**

2 Section 161 w. of the Atomic Energy Act of 1954
3 (42 U.S.C. 2201(w)) is amended—

4 (1) by striking “for or is issued” and all that
5 follows through “1702” and inserting “to the Nu-
6 clear Regulatory Commission for, or is issued by the
7 Nuclear Regulatory Commission, a license or certifi-
8 cate”;

9 (2) by striking “483a” and inserting “9701”;
10 and

11 (3) by striking “, of applicants for, or holders
12 of, such licenses or certificates”.

13 **SEC. 207. CONFLICTS OF INTEREST RELATING TO CON-**
14 **TRACTS AND OTHER ARRANGEMENTS.**

15 Section 170A b. of the Atomic Energy Act of 1954
16 (42 U.S.C. 2210a(b)) is amended—

17 (1) by redesignating paragraphs (1) and (2) as
18 subparagraphs (A) and (B), respectively, and indent-
19 ing appropriately;

20 (2) by striking “b. The Commission” and in-
21 serting the following:

22 “b. EVALUATION.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), the Commission”; and

25 (3) by adding at the end the following:

1 “(2) NUCLEAR REGULATORY COMMISSION.—
 2 Notwithstanding any conflict of interest, the Nuclear
 3 Regulatory Commission may enter into a contract,
 4 agreement, or arrangement with the Department of
 5 Energy or the operator of a Department of Energy
 6 facility, if the Nuclear Regulatory Commission deter-
 7 mines that—

8 “(A) the conflict of interest cannot be miti-
 9 gated; and

10 “(B) adequate justification exists to pro-
 11 ceed without mitigation of the conflict of inter-
 12 est.”.

13 **SEC. 208. HEARING PROCEDURES.**

14 Section 189 a. (1) of the Atomic Energy Act of 1954
 15 (42 U.S.C. 2239(a)(1)) is amended by adding at the end
 16 the following:

17 “(C) HEARINGS.—A hearing under this
 18 section shall be conducted using informal adju-
 19 dicatory procedures unless the Commission de-
 20 termines that formal adjudicatory procedures
 21 are necessary—

22 “(i) to develop a sufficient record; or
 23 “(ii) to achieve fairness.”.

1 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
3 this title and the amendments made by this title such
4 sums as are necessary for fiscal year 2006 and each subse-
5 quent fiscal year.

6 **TITLE III—NRC HUMAN CAPITAL**
7 **PROVISIONS**

8 **SEC. 301. PROVISION OF SUPPORT TO UNIVERSITY NU-**
9 **CLEAR SAFETY, SECURITY, AND ENVIRON-**
10 **MENTAL PROTECTION PROGRAMS.**

11 Section 31 b. of the Atomic Energy Act of 1954 (42
12 U.S.C. 2051(b)) is amended—

13 (1) by striking “b. The Commission is further
14 authorized to make” and inserting the following:

15 “b. GRANTS AND CONTRIBUTIONS.—The Commis-
16 sion is authorized—

17 “(1) to make”;

18 (2) in paragraph (1) (as designated by para-
19 graph (1)) by striking the period at the end and in-
20 serting “; and”; and

21 (3) by adding at the end the following:

22 “(2) to provide grants, loans, cooperative agree-
23 ments, contracts, and equipment to institutions of
24 higher education (as defined in section 102 of the
25 Higher Education Act of 1965 (20 U.S.C. 1002)) to
26 support courses, studies, training, curricula, and dis-

1 ciplines pertaining to nuclear safety, security, or en-
 2 vironmental protection, or any other field that the
 3 Commission determines to be critical to the regu-
 4 latory mission of the Commission.”.

5 **SEC. 302. PROMOTIONAL ITEMS.**

6 Chapter 14 of the Atomic Energy Act of 1954 (42
 7 U.S.C. 2201 et seq.) is amended by adding at the end
 8 the following:

9 **“SEC. 170C. PROMOTIONAL ITEMS.**

10 “The Commission may purchase promotional items of
 11 nominal value for use in the recruitment of individuals for
 12 employment.”.

13 **SEC. 303. EXPENSES AUTHORIZED TO BE PAID BY THE NU-**
 14 **CLEAR REGULATORY COMMISSION.**

15 Chapter 14 of the Atomic Energy Act of 1954 (42
 16 U.S.C. 2201 et seq.) (as amended by section 302) is
 17 amended by adding at the end the following:

18 **“SEC. 170D. EXPENSES AUTHORIZED TO BE PAID BY THE**
 19 **COMMISSION.**

20 “The Commission may—

21 “(1) pay transportation, lodging, and subsist-
 22 ence expenses of employees who—

23 “(A) assist scientific, professional, admin-
 24 istrative, or technical employees of the Commis-
 25 sion; and

1 “(B) are students in good standing at an
 2 institution of higher education (as defined in
 3 section 102 of the Higher Education Act of
 4 1965 (20 U.S.C. 1002)) pursuing courses re-
 5 lated to the field in which the students are em-
 6 ployed by the Commission; and

7 “(2) pay the costs of health and medical serv-
 8 ices furnished, pursuant to an agreement between
 9 the Commission and the Department of State, to
 10 employees of the Commission and dependents of the
 11 employees serving in foreign countries.”.

12 **SEC. 304. NUCLEAR REGULATORY COMMISSION SCHOLAR-**
 13 **SHIP AND FELLOWSHIP PROGRAM.**

14 Chapter 19 of the Atomic Energy Act of 1954 is
 15 amended by inserting after section 242 (42 U.S.C. 2015a)
 16 the following:

17 **“SEC. 243. SCHOLARSHIP AND FELLOWSHIP PROGRAM.**

18 “(a) SCHOLARSHIP PROGRAM.—To enable students
 19 to study, for at least 1 academic semester or equivalent
 20 term, science, engineering, or another field of study that
 21 the Commission determines is in a critical skill area re-
 22 lated to the regulatory mission of the Commission, the
 23 Commission may carry out a program to—

24 “(1) award scholarships to undergraduate stu-
 25 dents who—

1 “(A) are United States citizens; and

2 “(B) enter into an agreement under sub-
3 section (c) to be employed by the Commission
4 in the area of study for which the scholarship
5 is awarded.

6 “(b) FELLOWSHIP PROGRAM.—To enable students to
7 pursue education in science, engineering, or another field
8 of study that the Commission determines is in a critical
9 skill area related to its regulatory mission, in a graduate
10 or professional degree program offered by an institution
11 of higher education in the United States, the Commission
12 may carry out a program to—

13 “(1) award fellowships to graduate students
14 who—

15 “(A) are United States citizens; and

16 “(B) enter into an agreement under sub-
17 section (c) to be employed by the Commission
18 in the area of study for which the fellowship is
19 awarded.

20 “(c) REQUIREMENTS.—

21 “(1) IN GENERAL.—As a condition of receiving
22 a scholarship or fellowship under subsection (a) or
23 (b), a recipient of the scholarship or fellowship shall
24 enter into an agreement with the Commission under

1 which, in return for the assistance, the recipient
2 shall—

3 “(A) maintain satisfactory academic
4 progress in the studies of the recipient, as de-
5 termined by criteria established by the Commis-
6 sion;

7 “(B) agree that failure to maintain satis-
8 factory academic progress shall constitute
9 grounds on which the Commission may termi-
10 nate the assistance;

11 “(C) on completion of the academic course
12 of study in connection with which the assistance
13 was provided, and in accordance with criteria
14 established by the Commission, engage in em-
15 ployment by the Commission for a period speci-
16 fied by the Commission, that shall be not less
17 than 1 time and not more than 3 times the pe-
18 riod for which the assistance was provided; and

19 “(D) if the recipient fails to meet the re-
20 quirements of subparagraph (A), (B), or (C),
21 reimburse the United States Government for—

22 “(i) the entire amount of the assist-
23 ance provided the recipient under the
24 scholarship or fellowship; and

1 “(ii) interest at a rate determined by
2 the Commission.

3 “(2) WAIVER OR SUSPENSION.—The Commis-
4 sion may establish criteria for the partial or total
5 waiver or suspension of any obligation of service or
6 payment incurred by a recipient of a scholarship or
7 fellowship under this section.

8 “(d) COMPETITIVE PROCESS.—Recipients of scholar-
9 ships or fellowships under this section shall be selected
10 through a competitive process primarily on the basis of
11 academic merit and such other criteria as the Commission
12 may establish, with consideration given to financial need
13 and the goal of promoting the participation of individuals
14 identified in section 33 or 34 of the Science and Engineer-
15 ing Equal Opportunities Act (42 U.S.C. 1885a, 1885b).

16 “(e) DIRECT APPOINTMENT.—The Commission may
17 appoint directly, with no further competition, public no-
18 tice, or consideration of any other potential candidate, an
19 individual who has completed the academic program for
20 which a scholarship or fellowship was awarded by the
21 Commission under this section.”.

1 **SEC. 305. PARTNERSHIP PROGRAM WITH INSTITUTIONS OF**
 2 **HIGHER EDUCATION.**

3 Chapter 19 of the Atomic Energy Act of 1954 (42
 4 U.S.C. 2015 et seq.) (as amended by section 304) is
 5 amended by inserting after section 243 the following:

6 **“SEC. 244. PARTNERSHIP PROGRAM WITH INSTITUTIONS**
 7 **OF HIGHER EDUCATION.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) HISPANIC-SERVING INSTITUTION.—The
 10 term ‘Hispanic-serving institution’ has the meaning
 11 given the term in section 502(a) of the Higher Edu-
 12 cation Act of 1965 (20 U.S.C. 1101a(a)).

13 “(2) HISTORICALLY BLACK COLLEGE AND UNI-
 14 VERSITY.—The term ‘historically Black college or
 15 university’ has the meaning given the term ‘part B
 16 institution’ in section 322 of the Higher Education
 17 Act of 1965 (20 U.S.C. 1061).

18 “(3) TRIBAL COLLEGE.—The term ‘Tribal col-
 19 lege’ has the meaning given the term ‘tribally con-
 20 trolled college or university’ in section 2(a) of the
 21 Tribally Controlled College or University Assistance
 22 Act of 1978 (25 U.S.C. 1801(a)).

23 “(b) PARTNERSHIP PROGRAM.—The Commission
 24 may establish and participate in activities relating to re-
 25 search, mentoring, instruction, and training with institu-
 26 tions of higher education, including Hispanic-serving insti-

1 tutions, historically Black colleges or universities, and
 2 Tribal colleges, to strengthen the capacity of the institu-
 3 tions—

4 “(1) to educate and train students (including
 5 present or potential employees of the Commission);
 6 and

7 “(2) to conduct research in the field of science,
 8 engineering, or law, or any other field that the Com-
 9 mission determines is important to the work of the
 10 Commission.”.

11 **SEC. 306. ELIMINATION OF PENSION OFFSET FOR CERTAIN**
 12 **REHIRED FEDERAL RETIREES.**

13 Chapter 14 of the Atomic Energy Act of 1954 (42
 14 U.S.C. 2201 et seq.) (as amended by sections 302 and
 15 303) is amended by adding at the end the following:

16 **“SEC. 170E. ELIMINATION OF PENSION OFFSET FOR CER-**
 17 **TAIN REHIRED FEDERAL RETIREES.**

18 “(a) IN GENERAL.—The Commission may waive the
 19 application of section 8344 or 8468 of title 5, United
 20 States Code, on a case-by-case basis for employment of
 21 an annuitant—

22 “(1) in a position of the Commission for which
 23 there is exceptional difficulty in recruiting or retain-
 24 ing a qualified employee; or

1 “(2) when a temporary emergency hiring need
2 exists.

3 “(b) PROCEDURES.—The Commission shall prescribe
4 procedures for the exercise of authority under this section,
5 including—

6 “(1) criteria for any exercise of authority; and

7 “(2) procedures for a delegation of authority.

8 “(c) EFFECT OF WAIVER.—An employee as to whom
9 a waiver under this section is in effect shall not be consid-
10 ered an employee for purposes of subchapter II of chapter
11 83, or chapter 84, of title 5, United States Code.”.

12 **SEC. 307. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to carry out
14 this title and amendments made by this title such sums
15 as may be necessary for fiscal year 2006 and each fiscal
16 year thereafter.

○